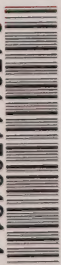


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Your Privacy Rights: Canada's
Personal Information Protection
and Electronic Documents Act

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Office of the
Privacy Commissioner
of Canada

Commissariat
à la protection de
la vie privée du Canada

Government
Publications

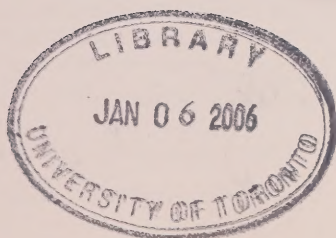


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GUIDE FOR INDIVIDUALS

Your Privacy Rights

Canada's *Personal
Information Protection and
Electronic Documents Act*



Introduction

The Office of the Privacy Commissioner of Canada has prepared this guide to help individuals learn about their rights under the *Personal Information Protection and Electronic Documents Act (PIPEDA)*, Canada's new private sector privacy law.

What is PIPEDA?

Part 1 of *PIPEDA* sets ground rules for how organizations may collect, use or disclose information about you in the course of commercial activities. The law also gives you the right to see and ask for corrections to information an organization may have collected about you. If you think an organization covered by the Act is not living up to its responsibilities under the law, you have the right to lodge an official complaint.

What is personal information?

"Personal information" under the Act means information about an "identifiable individual."

For example, "personal information" includes your:

- name, age, weight, height;
- medical records;
- income, purchases and spending habits;
- race, ethnic origin and colour;
- blood type, DNA code, fingerprints;
- marital status and religion;
- education; and
- home address and phone number.

"Personal information" does not include the name, job title, business address or office telephone number of an employee of an organization.

How does the Act protect my personal information?

Your ability to control your personal information is key to your right to privacy.

The Act gives you control over your personal information by requiring organizations to obtain your consent to collect, use or disclose information about you. The Act confers certain rights on individuals, and imposes specific obligations on organizations.

The law gives you the right to:

- know why an organization collects, uses or discloses your personal information;
- expect an organization to collect, use or disclose your personal information reasonably and appropriately, and not use the information for any purpose other than that to which you have consented;
- know who in the organization is responsible for protecting your personal information;
- expect an organization to protect your personal information by taking appropriate security measures;
- expect the personal information an organization holds about you to be accurate, complete and up-to-date;
- obtain access to your personal information and ask for corrections if necessary; and

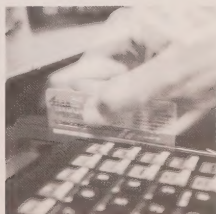
- complain about how an organization handles your personal information if you feel your privacy rights have not been respected.

The law requires organizations to:

- obtain your consent when they collect, use or disclose your personal information;
- supply you with a product or a service even if you refuse consent for the collection, use or disclosure of your personal information unless that information is essential to the transaction;
- collect information by fair and lawful means; and
- have personal information policies that are clear, understandable and readily available.

An organization should destroy, erase or make anonymous personal information about you that it no longer needs in order to fulfil the purpose for which it was collected.

There are certain exceptions to these principles. For example, an organization may not need to obtain your consent if collecting the information clearly benefits you and your consent cannot be obtained in a timely way; or if the information is needed by a law enforcement agency for an investigation, and getting consent might compromise the information's accuracy.



How can I see the personal information an organization has about me?

- Send a written request to the organization that holds your personal information. You must provide enough detail to allow the organization to identify the information you want. For example, include dates, account numbers, and the names or positions of people you may have dealt with at the organization.
- Organizations must provide the information requested within a reasonable time and at minimal or no cost.

How can I correct errors or omissions in my personal information?

- Write to the organization that has personal information about you and explain the correction you are requesting and why. Supply copies of any documents that support your request, if you have them.
- If the organization refuses to correct your personal information, you may require it to attach a statement of your disagreement to the file. This statement must be passed on to any other organization that may have access to the information.



What if I believe my privacy rights are not being respected?

The Act gives you the right to make a complaint if:

- you run into any difficulties obtaining your personal information, if an organization refuses to correct information you consider inaccurate or incomplete, or if you suspect your personal information has been improperly collected, used or disclosed; or
- you believe an organization is not following any provision of *PIPEDA*.

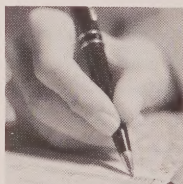
Where do I complain?

- Contact the Office of the Privacy Commissioner of Canada by calling 1-800-282-1376 if you need more information or advice on how you should proceed.
- We encourage you to first try to settle the matter directly with the organization about which you are complaining by contacting the person responsible for handling privacy issues within the organization.
- If you are not satisfied with the organization's response, you may contact the organization's industry association, ombudsman or complaint office, if there is one. For example, the Canadian Marketing Association and the Canadian Banking Ombudsman handle customers' complaints about their member companies.

- If you are not satisfied with the way the organization or industry association handles the matter, contact the Office of the Privacy Commissioner of Canada. There is no fee for making a complaint to our Office.

What is the role of the Privacy Commissioner of Canada?

- The Privacy Commissioner is an ombudsman who attempts to resolve disputes through negotiation, mediation and conciliation.
- The Commissioner has the power to investigate your complaint.
- The Commissioner may also initiate her own investigation or review regarding how an organization handles personal information.
- The Commissioner can recommend that the organization release your personal information to you or correct any inaccuracies.
- The Commissioner may recommend to an organization that they change their personal information handling practices.
- The Commissioner will report the findings of the investigation to you and the organization.



What if the organization ignores the recommendations of the Privacy Commissioner?

- The Privacy Commissioner has the power to make public any information about the personal information handling practices of an organization. Few organizations would like to be publicly identified as having violated the privacy rights of individuals.
- The Privacy Commissioner may also take the complaint to the Federal Court of Canada on your behalf if she supports you, but has been unable to resolve the dispute.
- Once you have received the Privacy Commissioner's report you may, under certain circumstances, take your complaint to the Federal Court of Canada yourself.

- The Court can order an organization to correct any practices that do not comply with the law, and to publish notices of how it has or will correct its practices.
- The Court can also award damages to the complainant, including damages for humiliation suffered.

What is not covered by PIPEDA?

- Any federal government organization already covered by the *Privacy Act*
- Provincial or territorial governments, and their agents
- Any organization that collects, uses or discloses personal information solely for journalistic, artistic or literary purposes
- An individual's collection, use or disclosure of personal information for personal purposes, such as genealogical research shared with other family members

For more information

If you have any questions about how an organization handles your personal information or wish to make a complaint under the new law, please contact us at:

Office of the Privacy Commissioner of Canada

112 Kent Street

Ottawa, ON K1A 1H3

Telephone: (613) 995-8210

Toll-free: 1-800-282-1376

Fax: (613) 947-6850

Web site: www.privcom.gc.ca

E-mail: info@privcom.gc.ca

Please do not make complaints or provide personal information by e-mail, as security cannot be ensured.

Note that this brochure summarizes the law. As such, it has no legal status. To obtain the full text of *PIPEDA*, visit our Web site or contact the Office of the Privacy Commissioner of Canada.

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Updated March 2004

Cette publication est disponible également en français.

- Si l'organisation refuse de corriger vos renseignements personnels, vous pouvez l'obliger à joindre à votre dossier une note indiquant votre désaccord. Cette note doit être transmise à toute autre organisation ayant accès à l'information.

Que dois-je faire si je crois que mes droits à la protection de mes renseignements personnels n'ont pas été respectés?

La Loi vous donne le droit de porter plainte :

- si vous éprouvez des difficultés à obtenir vos renseignements personnels, si une organisation refuse de corriger l'information que vous jugez inexacte ou incomplète ou si vous croyez que vos renseignements personnels ont été recueillis, utilisés ou communiqués de façon inappropriée;
- si vous croyez qu'une organisation ne respecte pas les exigences de la *LPRPDÉ*.

Comment pourrais-je déposer ma plainte?

- Si vous avez besoin de plus de renseignements ou de conseils, communiquez avec le Commissariat à la protection de la vie privée du Canada, au 1 (800) 282-1376.
- Nous vous suggérons d'essayer d'abord de régler votre plainte directement avec l'organisation concernée en communiquant avec la personne responsable de traiter les plaintes relatives à la protection de la vie privée.

- Si vous n'êtes pas satisfait de la réponse obtenue, vous pouvez communiquer avec l'association commerciale, l'ombudsman ou le bureau des plaintes de l'organisation, s'il y a lieu. Par exemple, l'Association canadienne du marketing ou l'ombudsman bancaire canadien donnent suite aux plaintes portées par des consommateurs contre leurs entreprises ou compagnies membres.
- Si vous n'êtes pas satisfait du traitement de votre plainte, communiquez avec le Commissariat à la protection de la vie privée du Canada. Aucuns frais ne sont exigés pour le dépôt d'une plainte auprès du Commissariat.

Quel est le rôle de la Commissaire à la protection de la vie privée du Canada?

- La Commissaire à la protection de la vie privée du Canada est un ombudsman qui tente de régler les différends au moyen de la négociation, la médiation et la conciliation.
- Elle a le pouvoir faire enquête sur votre plainte.
- Elle peut aussi prendre l'initiative d'une enquête ou d'un examen relativement à la pratique d'une organisation en matière de gestion des renseignements personnels.
- La Commissaire peut recommander que l'organisation vous donne accès à vos renseignements ou corrige toute erreur.
- La Commissaire peut formuler des recommandations à l'intention d'une organisation pour qu'elle modifie ses pratiques de gestion des renseignements personnels.
- Elle fait rapport sur les conclusions de l'enquête à vous et à l'organisation.

Que se passe-t-il si l'organisation ne tient pas compte des recommandations de la Commissaire à la protection de la vie privée?

- La Commissaire a le pouvoir de rendre publique toute information relative aux pratiques d'une organisation en matière de gestion des renseignements personnels. Peu d'entreprises désirent être citées comme étant des organisations qui ne respectent pas les droits à la protection de la vie privée des individus.
- La Commissaire peut également, en votre nom, demander d'être entendue par la Cour fédérale du Canada, si elle vous appuie, mais qu'elle a été incapable de résoudre le différend.
- Une fois que vous avez reçu le rapport de la Commissaire à la protection de la vie privée, vous pouvez, dans certaines circonstances, déposer une plainte auprès de la Cour fédérale du Canada.

- La Cour peut ordonner à une organisation de corriger les pratiques qui ne sont pas conformes à la loi et de publier des avis sur les mesures qu'elle a prises ou qu'elle prévoit prendre à cet égard.
- La Cour peut aussi accorder au plaignant des dommages-intérêts, notamment en réparation de l'humiliation subie.

Qu'est-ce qui n'est pas visé par la *LPRPDÉ*?

- Les institutions fédérales déjà assujetties à la *Loi sur la protection des renseignements personnels*
- Les gouvernements provinciaux et territoriaux et leurs délégués
- La collecte, l'utilisation ou la communication de renseignements personnels par une organisation à des fins strictement journalistiques, artistiques ou littéraires
- La collecte, l'utilisation ou la communication de renseignements personnels à des fins personnelles, comme les recherches généalogiques partagées avec d'autres membres de la famille

Pour plus de renseignements

Si vous avez des questions sur la façon dont une organisation du secteur privé traite de vos renseignements personnels, ou si vous désirez déposer une plainte dans le cadre de la nouvelle loi, veuillez communiquer avec le Commissariat.

Le Commissariat à la protection de la vie privée du Canada

112, rue Kent

Ottawa (Ontario) K1A 1H3

Téléphone : (613) 995-8210

Sans frais : 1 (800) 282-1376

Télécopieur : (613) 947-6850

Site Web : www.privcom.gc.ca

Courriel : info@privcom.gc.ca

En vue d'assurer la confidentialité de vos renseignements personnels, veuillez ne pas avoir recours au courrier électronique pour expédier des plaintes ou pour communiquer des renseignements personnels.

Il convient de noter que cette brochure est un résumé de la loi. Elle n'a donc aucune valeur juridique. Pour obtenir le texte intégral de la *LPRPDÉ*, consultez notre site Web ou communiquez avec le Commissariat.

IP54-1/2004

ISBN : 0-662-68003-0

Mise à jour mars 2004

This publication is also available in English.

Introduction

Ce guide a été préparé par le Commissariat à la protection de la vie privée du Canada afin d'informer les individus de leurs droits en vertu de la nouvelle loi canadienne sur la protection des renseignements personnels s'appliquant secteur privé, soit la *Loi sur la protection des renseignements personnels et les documents électroniques (LPRPDE)*.

Qu'entend-on par LPRPDE?

La Partie I de la LPRPDE établit des règles de base sur la façon dont les organisations peuvent recueillir, utiliser ou communiquer des renseignements à votre sujet dans le cadre d'activités commerciales. La loi vous donne aussi le droit de consulter les renseignements qu'une organisation a recueillis à votre sujet et de demander qu'ils soient corrigés. Si vous estimez qu'une organisation assujettie à la LPRPDE ne s'acquitte pas de ses obligations aux termes de la loi, vous avez le droit de porter plainte officiellement.

Qu'entend-on par « renseignements personnels »?

En vertu de la Loi, on entend par « renseignements personnels » tout renseignement au sujet d'un « individu identifiable. »

Par exemple, les « renseignements personnels » comprennent :

- votre nom, âge, poids, grandeur;
- vos dossiers médicaux;
- votre revenu, vos achats et vos habitudes de consommation;
- votre race, votre origine ethnique et la couleur de votre peau;
- votre groupe sanguin, vos empreintes génétiques et vos empreintes digitales;
- votre état matrimonial et votre religion;
- votre niveau d'instruction;
- votre adresse domiciliaire et numéro de téléphone.

Les « renseignements personnels » ne comprennent cependant pas le nom et le titre d'un employé d'une organisation, ni l'adresse et le numéro de téléphone de son lieu de travail.

Comment la Loi protège-t-elle les renseignements personnels qui me concernent?

Votre capacité à contrôler vos renseignements personnels constitue la clé de vos droits en matière de protection de votre vie privée.

La Loi vous permet d'exercer ce contrôle en obligeant les organisations à obtenir votre consentement pour recueillir, utiliser ou communiquer des renseignements vous concernant. La Loi donne des droits aux particuliers et impose des obligations précises aux organisations.

La Loi vous donne le droit :

- de connaître les raisons pour lesquelles une organisation recueille, utilise et communique des renseignements personnels à votre sujet;
- de vous attendre à ce qu'une organisation recueille, utilise et communique les renseignements personnels à votre sujet de façon raisonnable et appropriée, et qu'elle n'utilisera pas l'information à des fins autres que celles auxquelles vous avez consenties;
- de savoir qui dans l'organisation est responsable de la protection de vos renseignements personnels;

- de vous attendre à ce qu'une organisation protège vos renseignements personnels en prenant les mesures de sécurité qui s'imposent;
- de vous attendre à ce que les renseignements personnels qu'une organisation détient à votre sujet soient exacts, complets et à jour;
- d'avoir accès aux renseignements personnels vous concernant et au besoin de demander qu'ils soient corrigés;
- de déposer une plainte sur les pratiques de gestion de vos renseignements personnels par une organisation, si vous jugez que vos droits au regard de la protection de la vie privée n'ont pas été respectés.

Selon la Loi, les organisations :

- doivent obtenir votre consentement lorsqu'elles recueillent, utilisent ou communiquent vos renseignements personnels;
- ne peuvent vous refuser un produit ou un service si vous refusez votre consentement à la collecte, l'utilisation ou la communication de vos renseignements personnels, sauf si ceux-ci sont essentiels à la transaction;
- doivent recueillir les renseignements de façon honnête et licite; et,
- doivent adopter des politiques en matière de protection des renseignements personnels qui sont claires, compréhensibles et faciles à consulter.

Toute organisation devrait détruire, effacer ou dépersonnaliser les renseignements personnels recueillis à votre sujet s'ils ne sont plus nécessaires aux fins consenties.

Ces principes prévoient des exceptions. Par exemple, il est possible qu'une organisation n'ait pas besoin de votre consentement si la collecte des renseignements est manifestement à votre avantage, et que votre consentement ne peut être obtenu

dans les délais requis; ou si les renseignements sont requis par un organisme chargé de l'application d'une loi dans le cadre d'une enquête et que l'obtention du consentement risquerait de compromettre l'exactitude de l'information.

Comment puis-je consulter les renseignements personnels qu'une organisation détient à mon sujet?

- En envoyant une demande écrite à l'organisation qui détient vos renseignements personnels en question. Vous devez fournir suffisamment de précisions pour que l'organisation identifie de quels renseignements il s'agit. Ainsi, par exemple inclure des dates, des numéros de compte ou le nom ou le titre des personnes avec lesquelles vous avez traité.
- Les organisations doivent fournir les renseignements demandés dans un délai raisonnable et sans frais, sinon à un coût minime.

Comment faire corriger les erreurs ou les omissions dans mes renseignements personnels?

- En écrivant à l'organisation qui détient des renseignements personnels à votre sujet, en expliquant les corrections demandées et les raisons de votre demande. Envoyez, s'il y a lieu, copie de tout document susceptible de justifier votre demande.



UN GUIDE POUR LES INDIVIDUS

Vos droits en matière de vie privée

Guide au sujet de la *Loi sur la
protection des renseignements
personnels et les documents
électroniques*



Office of the
Privacy Commissioner
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OR CANADIANS

Your Privacy Rights

Canada's Personal
Information Protection and
Electronic Documents Act



A Word from the Privacy Commissioner of Canada

The right to privacy is fundamental to any democratic society. If we have to worry – every time we open a bank account, use the Internet, make a purchase in a store or fill out a form – about who will see our personal information and how it will be used, we have lost a basic freedom.



George Radwanski
Privacy Commissioner of Canada

Protecting our privacy helps protect our independence, our ability to control our own lives, and our freedom to make our own decisions. Having control of our personal information is key to our privacy: the more others know about the details of our lives, the greater their opportunity to influence, interfere with or judge the choices we make.

Advances in information technology and data management offer the promise of a new and prosperous knowledge-based economy. But this technology also poses a serious threat to our privacy. New communications and information systems allow organizations to gather, match, share and transmit growing quantities of information about us with unprecedented speed and efficiency.

Finding a balance between the legitimate need of organizations to collect information about us and the necessity to protect our privacy is a major challenge. Canada's Parliament responded to this challenge by passing a new law that applies to the private sector called the Personal Information Protection and Electronic Documents Act, which came into effect January 1, 2001.

My Office has prepared this brochure to answer some of the common questions Canadians may have about the new law and how to exercise their right to privacy.

A stylized, handwritten signature in dark ink, likely belonging to George Radwanski.

George Radwanski
Privacy Commissioner of Canada



What is the Personal Information Protection and Electronic Documents Act?

Part 1 of the *Personal Information Protection and Electronic Documents Act* sets down the ground rules for how organizations may collect, use or disclose information about you in the course of commercial activities. The law gives you the right to see and ask for corrections to information an organization may have collected about you. If you think an organization covered by the Act is not living up to its responsibilities under the law, you have the right to lodge an official complaint.

What is personal information?

“Personal information” under the Act means information about an “identifiable individual”.

For example, “personal information” includes your

- name, age, weight, height
- medical records
- income, purchases and spending habits
- race, ethnic origin and colour
- blood type, DNA code, fingerprints
- marital status and religion
- education
- home address and phone number

“Personal information” does **not** include the name, job title, business address or office telephone number of an employee of an organization that is covered by the new law.

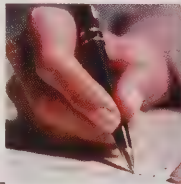
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The law gives you the right to:

- know why an organization collects, uses or discloses your personal information;*
- expect an organization to collect, use or disclose your personal information reasonably and appropriately, and not use the information for any purpose other than that to which you have consented;*
- know who in the organization is responsible for protecting your personal information;
- expect an organization to protect your personal information by taking appropriate security measures;
- expect the personal information an organization holds about you to be accurate, complete and up-to-date;
- obtain access to your personal information and ask for corrections;*
- complain about how an organization handles your personal information.



The law requires organizations to:

- obtain your consent when they collect, use or disclose your personal information;*
- supply you with a product or a service even if you refuse consent for the collection, use or disclosure of your personal information unless the information is essential to the transaction;*
- collect information by fair and lawful means;
- have personal information policies that are clear, understandable and readily available.

An organization should destroy, erase or make anonymous personal information about you that it no longer needs in order to fulfil the purpose for which it was collected.

*There are exceptions to these principles. For example: an organization may not need to obtain your consent if collecting the information clearly benefits you and your consent cannot be obtained in a timely way; or if the information is needed by a law enforcement agency for an investigation, and getting consent might compromise the information's accuracy.

How can I see the personal information an organization has about me?

- Send a written request to the organization holding your personal information. You must provide enough detail to allow the organization to identify the information you want; for example, include dates, account numbers, and the names or positions of people you may have dealt with at the organization.
- Organizations must provide the information requested within a reasonable time and at minimal or no cost.

What if the organization ignores the recommendations of the Privacy Commissioner?

- The Privacy Commissioner has the power to make public any information about the personal information practices of an organization. Few businesses would like to be publicly identified as violating the privacy rights of individuals.
- The Privacy Commissioner may also take the complaint to the Federal Court of Canada on your behalf if he supports you but has been unable to resolve the dispute.
- Once you have received the Privacy Commissioner's report, you may, under certain circumstances, take your complaint to the Federal Court of Canada yourself.
- The Court can order an organization to correct any practices that do not comply with the law, and to publish notices of how it has or will correct its practices.
- The Court can also award damages to the complainant including damages for humiliation suffered.

What is NOT COVERED by the Personal Information Protection and Electronic Documents Act?

- Any federal government organization already covered by the *Privacy Act*.
- Provincial or territorial governments, and their agents.
- Any organization that collects, uses or discloses personal information solely for journalistic, artistic or literary purposes.
- An individual's collection, use or disclosure of personal information for personal purposes, such as genealogical research shared with other family members.



When does the Act come into force?

The Act takes effect in three stages spread over three years.

January 1, 2001

At this stage, the Act applies to personal information about customers or employees (except “personal health information”) that is collected, used or disclosed by “federal works, undertakings or businesses” in the course of commercial activities.

(Federal works, undertakings and businesses include organizations such as the banks, telephone companies, cable television and broadcasting companies, firms engaged in interprovincial transportation, and air carriers.)

The Act also applies to personal information that is shared or disclosed for profit or any kind of benefit across the borders of Canada or a province, where the information itself is the subject of the transaction.

The Act also covers all businesses and organizations engaged in commercial activity in Yukon, the Northwest Territories and Nunavut.

January 1, 2002

The Act will cover any “personal health information” collected by those organizations mentioned in the first stage. Personal health information is information about an individual’s mental or physical health, including details about any tests, examinations and health services provided.

January 1, 2004

The Act will cover the collection, use or disclosure of personal information in the course of any commercial activity within a province, including provincially regulated enterprises such as retail stores. The federal government may exempt organizations and/or activities in provinces that have their own privacy laws that are substantially similar to the federal law.

The Act will apply to all personal information in all interprovincial and international transactions by all organizations in the course of their commercial activities.

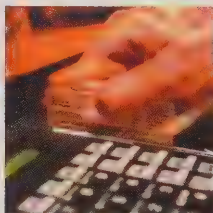
How can I correct errors or omissions in my personal information?

- Write to the organization that has personal information about you and explain the correction you are requesting and why. Supply copies of any documents that support your request, if you have them.
- If the organization refuses to correct your personal information, you may require it to attach a statement of your disagreement to the file. This statement must be passed on to any other organization that may have access to the information.

What if I believe my privacy rights are being abused?

The Act gives you the right to make a complaint if:

- you run into any difficulties obtaining your personal information, if an organization refuses to correct information you consider inaccurate or incomplete, or if you suspect your personal information has been improperly collected, used or disclosed;
- you believe an organization is not following any provision of the law.



Where do I complain?

- Contact the Office of the Privacy Commissioner of Canada during business hours by calling 1 800 282-1376 if you need more information and advice on how you should proceed.
- We encourage you to try to settle the matter directly with the organization about which you are complaining by contacting the person responsible for handling privacy issues within the organization.
- If you are not satisfied with the organization's response, you may contact the organization's industry association, ombudsman or complaint office, if there is one. For example, the Canadian Marketing Association and the Canadian Banking Ombudsman handle customers' complaints about their member companies.
- If you are not satisfied with the way the organization or industry association handles the matter, contact the Privacy Commissioner of Canada. There is no fee for making a complaint to Privacy Commissioner.

What is the role of the Privacy Commissioner of Canada?

- The Privacy Commissioner is an ombudsman who attempts to resolve disputes through negotiation.
- The Commissioner has the power to investigate your complaint.
- The Commissioner may also initiate his own investigation or review how an organization handles personal information.
- The Commissioner can recommend that the organization release your personal information to you or correct inaccuracies.
- The Commissioner can recommend that organizations change their personal information practices.
- The Commissioner will report the findings of the investigation to you and the organization.

FOR MORE INFORMATION

If you have any questions about how a private sector organization handles your personal information or wish to make a complaint under the new law, please contact our office.

The Office of the Privacy Commissioner of Canada

112 Kent Street

Ottawa, Ontario K1A 1H3

Telephone: 1 (613) 995-8210

Toll-free: 1 800 282-1376

Fax: 1 (613) 947-6850

Web site: www.privcom.gc.ca

E-mail: info@privcom.gc.ca

Please note that this brochure summarizes the law.

As such, it has no legal status. To obtain the full text of the law, consult our Web site or contact the Office of the Privacy Commissioner of Canada.

Cette publication est disponible également en français.

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